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C O N F I D E N T I A L PANAMA 000813

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E.O. 12958: DECL: 10/10/2018
TAGS: [PGOV](#) [PREL](#) [KJUS](#) [KCRM](#) [SNAR](#) [PM](#)
SUBJECT: PANAMA: PROSECUTORS UNDER PRESSURE, ASK FOR HELP

REF: PANAMA 00793

Classified By: Ambassador Barbara J. Stephenson for
reasons 1.4 (b) and (d)

Summary

1. (C) Panamanian Attorney General Ana Matilde Gomez told the Ambassador October 10 that she wanted to create an infrastructure to facilitate prosecutorial collaboration among Panama, Costa Rica, Colombia and the U.S. to send a strong message to international criminal organizations that they were not free to operate in Panama. She said such an infrastructure was urgently needed to lock in security cooperation with the U.S. and Panama's neighbors in the face of a future government that might not support such close security and law enforcement cooperation. At the same time, Gomez said the GOP had rejected her budget request of \$79 million, and instead recommended a budget of \$35 million, representing a \$29 million budget cut from this year. She said that this budget cut was intended to "clip my wings" for not "playing along" with the Torrijos Administration. She asked for help from the U.S. to fill the gap, especially given the serious challenges that face Panama as it prepared to initiate the first phase of the transition to an accusatorial law system in 11 months. Staff members who accompanied the A/G were very negative about the prospects of a successful introduction of the new legal system and predicted chaos. End Summary.

Tighten Collaboration Now, Against Uncertain Future

2. (C) Panamanian A/G Ana Matilde Gomez met with the Ambassador and EmbOffs October 10. Gomez stated she wanted to organize a conference on organized crime together with the A/Gs of Costa Rica and Colombia, and a high-level U.S.

official. She said the aim of this conference was to show a united face to international criminal organizations that the region was united against them, and that the U.S. was cooperating closely to support their efforts. She said this conference should be followed by the creation of an institutional structure to coordinate the fight against these organizations. Gomez said that current head of the Panamanian National Police (PNP) Directorate of Judicial Investigation (DIJ), Jose Ayu Prado, would soon return to the Public Ministry to take over a new position as Prosecutor for Organized Crime. Gomez said this effort was important because the next government might not be as dedicated as this one to the fight against international crime. In that case the Public Ministry, which is not subject to the government's

control, would have to spearhead the fight. Gomez said she needed U.S. support for this project, including technological support, so Ayu Prado's office would become a significant deterrent to international criminal organizations, preventing them from establishing themselves in Panama.

Budget Cuts Despite Major Challenges

13. (C) Gomez told the Ambassador that the GOP had rejected her budget request of \$79 million, and instead recommended \$35 million, a \$29 million budget cut from this year. She said this budget cut was to "clip my wings" for not "playing along" with the GOP. Gomez highlighted that these budget cuts would devastate her efforts to fund the transformations in the Public Ministry needed to prepare for the introduction of the accusatorial law system, the first stage of which would come into effect in 11 months. Gomez and her top advisors told the Ambassador what they believe is needed to prepare for the new system, which included: new labs to examine evidence, courses on how to handle evidence, training about how to manage a crime scene, training on how to argue oral cases, training on how to interrogate and cross examine, and the funds to develop a witness protection program. Rigoberto Gonzalez, Secretary General of the Public Ministry, stressed the need to develop a reference library of "Anglo-Saxon" legal books, to help the prosecutors learn about the new system.

Judicial Reform Train Wreck?

14. (C) Many of Gomez's closest advisors were very negative on the viability of the accusatorial system. Jose Vicente Pachar, head of the Legal Medicine Institute, responsible for all criminal forensic investigations, told PolOff that many senior Public Ministry employees did not even understand the new system. He said that there was only one lab in all of Panama, and that he had no ability to protect evidence adequately as it was transported to Panama from distinct parts of Panama City to satisfy a judge under the new system. National Drug Prosecutor Jose Almengor told PolOff on August 19 that the new system would be a disaster, because the GOP was not investing enough money to adequately train all the members of the judicial system. He said even with training, it would be impossible to get judges to authorize searches in time to catch criminals. Magaly Castillo, head of the judicial NGO Citizen's Alliance Pro-Justice (ACPJ) which championed the reform and a close friend of Gomez, told PolOff September 15 that she was worried about the future of the project because few people in the Public Ministry or the Judiciary really understand it. She said the reform was approved by a small group of very dedicated people, but that there was not deep support for it, and that this was now showing as the judicial organizations and the police had to prepare themselves for the change.

Comment

15. (C) Gomez's worries about the next government not being dedicated to fighting international crime may be overblown. We have excellent cooperation with the current government, and there are no clear signs that Balbina Herrera or the other two candidates intend to limit the extensive room USG agencies currently have to conduct anti-narcotics and other law enforcement activities. That said, we cannot dismiss the possibility that appointees of the next government might reduce certain forms of cooperation with the U.S. Indeed, per reftel we have already seen the impact even low-level GOP officials can have in restricting our operating room. Gomez is also worried about corruption influencing the new government, and that it will affect Panama's effectiveness in the fight against organized crime. For this reason, Gomez is reaching out to strengthen her direct ties to us, since her term will extend through the next government.

¶6. (C) Meanwhile, it also seems the GOP does not understand the full implications of the switch to the accusatorial system, and may not succeed in putting in place all the personnel, training, and infrastructure investments the change will require. Gonzalez's comment on the need for a library on "Anglo-Saxon" legal books, as though they were introducing a common law system and not an accusatorial system, indicates that even top officials surrounding the A/G do not understand basic issues involved in the switch. Failure to put the necessary pieces in place now could lead to major problems when the new system is introduced, leading to a rise in impunity, and further eroding the state's credibility as a guardian of the people. Post is watching this issue closely, and looking for creative ways to assist.

STEPHENSON